



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 22, 1996

Ms. Janet M. Dill  
Assistant City Attorney  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR96-1908

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101407.

The City of Dallas Police Department (the "city") received an open records request for a copy of a prosecution report on a specific individual. The city seeks to withhold the requested information based on sections 552.103 and 552.108 of the Government Code. You have submitted a copy of the requested material denoted as "State's Exhibit B" for our review.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecution. *See Holmes v. Morales*, 924 S.W.2d 920 (1996). We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Accordingly, you must release the type of information that is considered to be front page offense report information, regardless where it appears in the documents.<sup>1</sup>

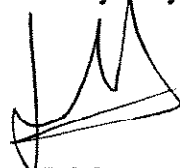
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<sup>1</sup>For example, the "Summary Attachment #1" on page two of the report is front page offense report information which must be released. Additionally, if any of the documents have already been filed with the court, they may not be withheld. *See, Ashpole v. Millard*, 778 S.W.2d 169, 170 (Tex.App.--Houston [1st Dist.] 1989, no writ) (the public has a right to inspect and copy judicial records subject to the court's inherent power to control public access to its records).

Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law.<sup>2</sup> Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issues under the facts presented to us in this request and may be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 101407

Enclosures: Submitted documents

cc: Mr. Pedro Reyes  
1202 E. 9th Street  
Dallas, Texas 75203  
(w/o enclosures)

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<sup>2</sup>Since we address the exception under section 552.108 we do not address section 552.103, but as you consider the front page information for release be aware that if the opposing party in the litigation has seen or had access to any of the information in these records, there is no justification for withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).